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June 29, 2021

*VIA ECF*  
 Hon. Katharine H. Parker  
 United States Magistrate Judge  
 Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street  
 New York, New York 10007

**USDC SDNY  
 DOCUMENT  
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 DATE FILED: 7/1/2021**

**APPLICATION GRANTED**

*Katharine H. Parker*  
**Hon. Katharine H. Parker, U.S.M.J.**

Re: *Spectrum Dynamics Medical Limited v. General Electric Company, et al.*,  
 Case No.: 18-cv-11386 (VSB)

7/1/2021

Dear Judge Parker:

On behalf of Defendant General Electric Company (“GE”), we write pursuant to Your Honor’s Individual Rule of Practice III(d), and the parties’ Stipulated Confidentiality and Protective Order (the “Protective Order”) (Dkt. 156) to request leave to file under seal GE’s Letter Motion in Opposition to Plaintiff’s Claw-Back Challenge Letter (the “Motion”) and Exhibits thereto filed today.

The presumption of public access to judicial documents can be overcome if countervailing factors warrant confidentiality. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006); see also *Nixon v. Warner Commc’n Inc.*, 435 U.S. 589, 598 (1978). Sealing of records may be justified to preserve “higher values,” including the need to protect an entity from competitive injury. *Lugosch*, 435 F.3d at 124; see also *Tropical Sails Corp. v. Yext, Inc.*, No. 14-cv-7582, 2016 U.S. Dist. LEXIS 49029, at \*10-11 (S.D.N.Y. Apr. 12) (risk of “competitive injury is sufficiently serious to warrant protection” of proprietary business information). Consistent with this, courts routinely permit sealing and redaction of competitively sensitive proprietary business information or information subject to a claim of privilege. See, e.g., *Louis Vuitton Malletier S.A. v. Sunny Merch. Corp.*, 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015); *Encyclopedia Brown Prods., Ltd. v. Home Box Office, Inc.*, 26 F. Supp. 2d 606, 614 (S.D.N.Y. 1998); see also *Nixon*, 435 U.S. at 598 (recognizing need to seal information that might “harm a litigant’s competitive standing”).

Here, the Motion and its exhibits discuss and reflect information that GE has designated Highly Confidential under the Protective Order and which is subject to GE’s ongoing assertion of the attorney client privilege.

GE respectfully requests that the Court permit filing of the Motion and Exhibits thereto under seal.

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Very truly yours,

/s/ Marla R. Butler

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cc: All Counsel of Record via ECF